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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/583,144

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Elias Bitar

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03/26/2009

LOWE HAUPTMAN & BERNER, LLP
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EXAMINER

BEAULIEU, YONEL

ART UNIT

PAPER NUMBER

3661

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/583,144	Applicant(s) BITAR ET AL.	
	Examiner /Yonel Beaulieu/	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-36 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 19-31 is/are rejected.
- 7) ☒ Claim(s) 32-36 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Claim Objections

Claims 33 – 36 are objected to because of the following informalities: those claims depend on claims that are not “method” claims. Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 28 – 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 28 and 29 depend on claim 24 and a “third type” has not previously identified; hence, lacking proper antecedent basis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

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directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 19 – 21, 23, 24, 26, 27, 30, and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by USP 7337043 B2 to Bull.

Regarding claim 19 - 21, 23, 24, 27, Bull teaches a lateral maneuverability map (figs. 1-2) for a vehicle that represents, within an area of movement, the contours of regions of complete freedom of lateral movement for the vehicle, taking into account the maneuvering capabilities of the vehicle and the need for the vehicle to avoid regions arbitrarily considered as nonnegotiable (col. 2, lines 15 – 37 at least). The map is further delivered by a navigation system (fig. 1). The map being further designed for an aircraft provided with a system for preventing the risk of collision with the ground, which delivers a ground (terrain) collision risk map, and added, as a transparent overlay, to the ground collision risk map (abstract; col. 1, lines 6 – 48 at least). The region appearing by masking using textures (as illustrated in figs. 1-2).

Regarding claim 26, Bull further teaches regions represented in colors (col. 3, line 35 - col. 4, line 9 and lines 39 - 47 at least).

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Regarding claim 30, Bull further teaches performance of the system (col. 5, lines 5 – 15 at least).

Regarding claim 31, Bull further teaches flight envelope of the aircraft (title, abstract, summary; col. 3, lines 24 - 29 and 35 - 67 at least).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bull ('043 B2).

As discussed above, Bull teaches all of the limitations except for achieving the complete freedom of lateral movement by semitransparent masking and a third type of region corresponding to regions of free movement.

However, such would have been obvious to one of ordinary skill in the art at the time of the invention as involving routine skill in the art.

Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bull ('043).

As discussed above, Bull teaches all of the limitations except for the explicit recitation of regions representing borders to be circumvent.

However, Bull does teach generating envelopes extending beyond the maneuvering distance of the aircraft (col. 3, lines 26 – 29 and 64 – 67 at least).

It would have been obvious to one of ordinary skill in the art at the time of the invention Bull's teaching is at least fully operationally equivalent to the claimed invention because the same end result of maneuvering aircrafts over or around obstacles is achieved.

Allowable Subject Matter

Claims 32 – 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

A statement of reasons supporting the allowable subject matter will be provided in subsequent office action(s).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to /Yonel Beaulieu/ whose telephone number is (571) 272-6955. The examiner can normally be reached on Mon., Wed. & Thur. between 0900 and 1600.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas BLACK can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yonel Beaulieu/
Yonel Beaulieu
Primary Examiner
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